

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen L. DELLAPORTA *et al.*

Divisional of Application No.: 09/794,384

Group Art Unit: 1638

Filed: Concurrently

Examiner: David T. Fox

Title: METHODS AND COMPOSITIONS TO REDUCE
OR ELIMINATE TRANSMISSION OF A
TRANSGENE

MAIL STOP PATENT APPLICATION

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place, Customer Window
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Arlington, VA 22202

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application. Copies of the listed documents were previously submitted or cited in the copending parent Application No. 09/794,384, filed on February 28, 2001. Thus, under 37 C.F.R. § 1.98(d), copies of those listed documents are not required to be provided.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If it should be determined that the listed document constitutes "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document. Applicants further reserve the right to take

appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-0310.

Respectfully submitted,

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Erich E. Veitenheimer
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Dated: March 17, 2004

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INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) PTO Form 1449				Attorney Docket No. 044574-5078-01-US		Prior Application No. 09/794,384	
				Applicants: DELLAPORTA <i>et al.</i>			
				Filing Date: concurrently		Group Art Unit: 1638	

U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
		5,086,169	2/4/92	Mascarenhas	536	27	10/31/89
		5,412,085	5/2/95	Allen and Lonsdale	536	24.1	11/9/93
		5,451,513	9/19/95	Maliga and Maliga	435	172.3	8/25/93
		5,489,520	2/6/96	Adams <i>et al.</i>	435	172.3	4/26/94
		5,501,967	3/26/96	Offringa <i>et al.</i>	435	172.3	7/6/93
		5,527,695	6/18/96	Hodges and Lyznik	435	172.3	1/29/93
		5,545,545	8/13/96	Gengenbach <i>et al.</i>	435	172.3	4/27/93
		5,545,546	8/13/96	Allen and Lonsdale	435	172.3	1/24/95
		5,554,798	9/10/96	Lundquist and Walters	800	205	5/15/95
		5,576,203	11/19/96	Hoffman	435	172.3	6/7/95
		5,597,945	1/28/97	Jaynes and Derrick	800	205	5/30/95
		5,633,438	5/27/97	Baszczyński <i>et al.</i>	800	205	11/22/94
		5,641,664	6/24/97	D'Halluin <i>et al.</i>	435	172.3	11/21/91
		5,689,042	11/18/97	Amasino and Gan	800	205	3/29/95
		5,736,369	4/7/98	Bowen <i>et al.</i>	435	172.3	6/7/95
		5,756,324	5/26/98	Baszczyński <i>et al.</i>	435	172.3	4/1/96
		5,759,538	6/2/98	Donovan and Tan	424	93.461	3/31/95
		5,776,760	7/7/98	Barry and Kishore	435	252.3	6/7/95
		6,008,437	12/28/99	Krebbers <i>et al.</i>	800	303	6/6/95
		6,114,600	9/5/00	Ow and Srivastava	800	278	10/19/98
		6,147,282	11/14/00	Goff <i>et al.</i>	800	303	1/20/99
		6,156,953	12/5/00	Preuss and Copenhaver	800	278	6/3/98
		6,172,279	1/9/01	Bridges <i>et al.</i>	800	274	11/7/95
		6,184,439	2/6/01	Fabijanski and Arnison	800	286	8/12/94
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub Class	Translation Yes No
		93 25695 A	23 Dec. 1993	WO			
		96 26283 A	29 Aug. 1996	WO			
		97 13401 A	17 April 1997	WO			
		91 02068 A	21 Feb. 1991	WO			
		96 04393 A	15 Feb. 1996	WO			
U.S. PATENT DOCUMENTS							
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Ando <i>et al.</i> (2000) <u>Biochem. Biophys. Res. Comm.</u> Vol. 272, No. 1, p. 125-128.					
		Balcells and Coupland (1994) <u>Plant Mol. Biol.</u> Vol. 24, p. 789-798.					
Examiner:				Date Considered:			
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
		Bao <i>et al.</i> (1996) <u>Transgenic Res.</u> Vol. 5, No. 2, p. 97-103.	
		Batzer <i>et al.</i> (1991) <u>Nucleic Acid Res.</u> Vol. 19, No. 18, p. 5081.	
		Beals and Goldberg (1997) <u>Plant Cell</u> Vol. 9, No. 9, p. 1527-1545.	
		Calderon-Urrea and Dellaporta (1999) <u>Development</u> Vol. 126, No. 3, p. 435-441.	
		Carpenter <i>et al.</i> (1992) <u>Plant Cell</u> Vol. 4, No. 5, p. 557-571.	
		Chatterjee and Starlinger (1995) <u>Mol. Gen. Genet.</u> Vol. 249, No. 3, p. 281-288.	
		Chen <i>et al.</i> (1992) <u>Genetics</u> Vol. 130, No. 3, p. 665-676.	
		Cooney <i>et al.</i> (1988) <u>Science</u> Vol. 241, p. 456-459.	
		Cranage <i>et al.</i> (1986) <u>EMBO J.</u> Vol. 5, No. 11, p. 3057-3063.	
		Custers <i>et al.</i> (1997) <u>Plant Mol. Biol.</u> Vol. 35, p. 689-699.	
		Dale <i>et al.</i> , (1991) <u>Proc. Natl. Acad. Sci. USA</u> , 88(23): 10558-10562.	
		DeLong <i>et al.</i> (1993) <u>Cell</u> Vol. 74, No. 4, p. 757-768.	
		Denis <i>et al.</i> , (1993), <u>Plant Physiology</u> 101(4): 1295-1304.	
		Feldmann and Marks (1987) <u>Mol. Gen. Genet.</u> Vol. 208, No. 1/2, p. 1-9.	
		Galbiati <i>et al.</i> (2000) <u>Funct. Integr. Genomics</u> (Germany) Vol. 1, No. 1, p. 25-34.	
		Gielen <i>et al.</i> (1984) <u>EMBO J.</u> Vol. 3, No. 4, p. 835-846.	
		Grebenok <i>et al.</i> (1997) <u>Plant J.</u> Vol. 11, No. 3, p. 573-586.	
		Hamilton <i>et al.</i> (1992) <u>Plant Mol. Biol.</u> Vol. 18, p. 211-218.	
		Haseloff <i>et al.</i> (1999) <u>Methods Mol. Biol.</u> Vol. 122, p. 241-259.	
		Hengartner (1999) <u>Recent Prog. Horm. Res.</u> Vol. 54, p. 213-222.	
		Hiei <i>et al.</i> (1997) <u>Plant Mol. Biol.</u> Vol. 35, p. 205-218.	
		International Search Report mailed February 14, 2002.	
		Kardailsky <i>et al.</i> (1999) <u>Science</u> Vol. 286, No. 5446, p. 1962-1965.	
		Kay <i>et al.</i> (1997) <u>Proc. Natl. Acad. Sci. U.S.A.</u> Vol. 94, No. 24, p. 12744-12746.	
		Kim and An (1992) <u>Transgenic Res.</u> Vol. 1, No. 4, p. 188-194.	
		Klee <i>et al.</i> (1987) <u>Mol. Gen. Genet.</u> Vol. 210, No. 3, p. 437-442.	
		Krysan <i>et al.</i> (1999) <u>Plant Cell</u> Vol. 11, No. 12, p. 2283-2290.	
		Kumar <i>et al.</i> (1997) <u>Leukemia</u> Vol. 11, Supp. 3, p. 385-386.	
		Lankenau <i>et al.</i> (1994) <u>Mol. Cell. Biol.</u> Vol. 14, No. 3, p. 1764-1775.	
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		Li and Starlinger (1990) <u>Proc. Natl. Acad. Sci. U.S.A.</u> Vol. 87, No. 16, p. 6044-6048.	
		Lee <i>et al.</i> (1988) <u>EMBO J.</u> Vol. 7, No. 5, p. 1241-1248.	
		Long <i>et al.</i> (1997) <u>Plant J.</u> Vol. 11, No. 1, p. 145-148.	
		Martienssen (1998) <u>Proc. Natl. Acad. Sci. U.S.A.</u> Vol. 95, No. 5, p. 2021-2026.	
		Mather (1943) <u>J. Genet.</u> Vol. 45, p. 215-235.	
		McCouch (1998) <u>Proc. Natl. Acad. Sci. U.S.A.</u> Vol. 95, No. 5, p. 1983-1985.	
		McCouch <i>et al.</i> (1997) <u>Plant Mol. Biol.</u> Vol. 35, p. 89-99.	
		Medberry <i>et al.</i> (1995) <u>Nucl. Acids Res.</u> Vol. 23, No. 3, p. 485-490.	
		Moon <i>et al.</i> (1999) <u>Plant Mol. Biol.</u> Vol. 40, p. 167-177.	
		Moreno <i>et al.</i> (1992) <u>Genetics</u> Vol. 131, No. 4, p. 939-956	
		Murphy and Lagarias (1997) <u>Curr. Biol.</u> Vol. 7, No. 11, p. 870-876.	
		Nelson and Krawetz (1995) <u>DNA Sequence—J. Seq. Mapping</u> Vol. 5, p. 329-337.	
		Odell <i>et al.</i> (1985) <u>Nature</u> Vol. 313, No. 6004, p. 810-812.	
		Ohtsuka <i>et al.</i> (1985) <u>J. Biol. Chem.</u> Vol. 260, No. 5, p. 2605-2608.	
		Quaedvlieg <i>et al.</i> (1998) <u>Plant Mol. Biol.</u> Vol. 37, p. 715-727.	
		Restrepo-Hartwig and Carrington (1992) <u>J. Virology</u> Vol. 66, No. 9, p. 5662-5666.	
		Reynaerts <i>et al.</i> , (1993) <u>Scientia Horticulture</u> 55(1-2): 125-139.	
		Skarnes (1990) <u>Biotechnology</u> Vol. 8, p. 827-831.	
		Sundaresan (1996) <u>Trends Plant Sci.</u> Vol. 1, No. 6, p. 184-190.	
		Sundaresan <i>et al.</i> (1995) <u>Genes Dev.</u> Vol. 9, No. 14, p. 1797-1810.	
		Takken <i>et al.</i> (1998) <u>Plant J.</u> Vol. 14, No. 4, p. 401-411.	
		Thompson <i>et al.</i> (1987) <u>EMBO J.</u> Vol. 6, No. 9, p. 2519-2523.	
		Tissier <i>et al.</i> (1999) <u>Plant Cell</u> Vol. 11, No. 10, p. 1841-1852.	
		Turgut <i>et al.</i> , (1994) <u>Plant Molecular Biology</u> , 24: 97-104.	
		White <i>et al.</i> (1990) <u>Nucl. Acids Res.</u> Vol. 18, No. 4, p. 1062.	
		Yazynin <i>et al.</i> (1999) <u>FEBS Lett.</u> Vol. 452, No. 3, p. 351-354.	
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